

On June 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16568. Misbranding of Dr. Hilton's specific No. 3. U. S. v. 11 Dozen Packages of Dr. Hilton's Specific No. 3. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23393. I. S. No. 02591. S. No. 1543.)

On February 14, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Dr. Hilton's specific No. 3, remaining in the original unbroken packages at Portland, Me., consigned by G. W. Hilton's Specifics (Inc.), Lowell, Mass., alleging that the article had been shipped from Lowell, Mass., on or about January 24, 1929, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sugar pellets containing traces of alkaloid, arsenic, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (label and carton) "For the relief of * * * Coughs, Hoarseness, Grippe and Bronchitis," (circular) "Always keep a bottle of Dr. Hilton's No. 3 handy, * * * so that * * * you may Ward off * * * and relieve that Cough, Grippe and Bronchitis * * * Influenza. How to Guard Against It. * * * Influenza, as it was called in the seventeenth century, now known as the Grip—is an inflammation of some part of the delicate mucous membrane which lines the respiratory tract. * * * The ears, eyes, throat, head, lungs, either or all—may feel and show the symptoms. Whether it be called * * * Catarrh, Earache, Sore Throat, Laryngitis, Tonsilitis, Influenza—the Grip—or any other of the many different names given to these and similar affections, the cause in every case is the same * * * (Preventatives—Keep your hands clean—scald your table ware—keep out of the sick room—breathe fresh air—avoid crowds.) Always carry a bottle of Dr. Hilton's Specific No. 3 and on the first indication of a cold take six of the pellets, and repeat dose every hour for 3 or 4 hours—then every 2 hours until relieved," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16569. Misbranding of Amex. U. S. v. 36 Packages of Amex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23512. I. S. No. 05829. S. No. 1709.)

On March 11, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 packages of Amex, remaining in the original unbroken packages at Portland, Me., consigned by the Craig-Grandell Mfg. Co. (Inc.), Whitefield, N. H., alleging that the article had been shipped from Whitefield, N. H., on or about January 4, 1929, and transported from the State of New Hampshire into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing volatile oils including wintergreen and peppermint oils, menthol, and myrrh.

It was alleged in the libel that the article was misbranded in that certain statements hereinafter set forth regarding the curative and therapeutic effects of the said article, (jar label) "For internal and external inflammation * * * Coughs * * * Bronchitis, Tonsilitis, Sore Throat and Croup. * * * Aching Feet * * * Lamé Knees * * * Piles * * * Eczema, Salt Rheum and Erysipelas * * * Rheumatism * * * Prostate Glands and Cross Nerves," (circular) "For internal and external inflammation * * * ingredients * * * readily relieve inflammation. * * * Amex * * *